

California Legislature

AGREEMENT ON BIPARTISAN PROCEDURES FOR JLAC HEARING ON SECRETARY OF STATE'S MANAGEMENT OF HELP AMERICA VOTE ACT FUNDS

January 26, 2005

The following procedures shall govern the hearings before the Joint Legislative Audit Committee (JLAC) on the Secretary of State's management of funds for California's implementation of the Help America Vote Act of 2002 (HAVA).

1. **Scope.** The hearing, presently scheduled for February 3, 2005, shall concern the Secretary of State's management of the HAVA funds, including the issues addressed in the California State Auditor's December 16, 2004, report. Other issues within JLAC's jurisdiction may be addressed in subsequent hearings, and issues outside JLAC's jurisdiction may be considered separately.
2. **Independent Counsel and Investigators.** Majority and minority counsel with prosecutorial or government-law experience will be retained. Each counsel may secure investigative services. Retention shall be through, and in accordance with the procedures of, the Joint Rules Committee.
3. **Documents and Records.** A secure Joint Records area will be established under the control of JLAC. Access to the area will be restricted to JLAC Members, their staff, and the independent counsel, all of whom shall have access on an equal basis. Majority and minority independent counsel will share all relevant documents. Timely notice will be provided to JLAC Members and majority and minority staff, including independent counsel, of receipt of requested or subpoenaed documents.
4. **Witness Interviews.** Majority and minority staff and independent counsel will be given the opportunity to attend any witness-interview either intends to conduct and will cooperate on the scheduling to facilitate joint attendance.
5. **Agendas.** Majority and minority JLAC staff, including independent counsel, will meet and confer on development of the HAVA related JLAC hearing agendas.
6. **Hearing Witnesses.** Timely notice will be given to majority and minority staff and independent counsel of the names of all witnesses to be called and of each witness' response to requests or subpoenas for attendance.

7. **Requesting Information.** Majority and minority independent counsel, and JLAC Members and staff through the independent counsel, will have the ability to request that the Chair obtain documents and witnesses related to HAVA to further the investigation process.

DON PERTA
Senate President Pro Tempore

RICHARD ACKERMAN
Senate Minority Leader

FABIAN NUNEZ
Speaker of the Assembly

KEVIN MCCARTHY
Assembly Minority Leader

NICOLE PARRA
JLAC Chair

CHUCK POOCHINGIAN
JLAC Vice Chair